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Paper No. 4

SYNGENTA BIOTECHNOLOGY INC  
PATENT DEPARTMENT  
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RESEARCH TRIANGLE PARK, NC 27709-2257

**COPY MAILED**

**SEP 10 2001**

**OFFICE OF PETITIONS**

In re Application of :  
Edouard Guillaume Lebel et al : DECISION GRANTING  
Application No. 09/901,737 : PETITION  
Filed: July 9, 2001 :  
Attorney Docket No. S-21043B :

This is a decision on the petition under 37 CFR 1.10(c) filed July 27, 2001, which is properly treated as a petition under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of July 9, 2001, rather than the presently accorded filing date of July 11, 2001.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on July 9, 2001, pursuant to the requirements of 37 CFR 1.10. In support petitioners submit, inter alia, a copy of Express Mail receipt number EF223059203US, a U.S. Postal Service (USPS) sales receipt for the Express Mail package in question, and a copy of the original transmittal letter referring to the same Express Mail number.

While the "date-in" on the copy of the Express Mail receipt reflects a handwritten 7, the USPS sales receipt indicates that Express Mail label No. EF223059203US was accepted on July 9, 2001. A search of the USPTO's USPS Express Mail Information Database confirms that a package bearing Express Mail label No. EF223059203US was accepted at 4:09 pm on July 9, 2001.

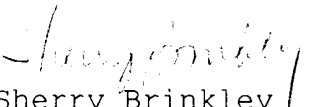
In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 9, 2001.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing date to March 10, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

  
Sherry Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Express Mail Track/Confirm Sheet